

Amendment Under 37 C.F.R. § 1.111
USSN 10/673,573
Attorney Docket Q77779
December 27, 2005

REMARKS

Claims 1-25, 28-32 and 34-37 are all the claims pending in the application.

The paragraph bridging pages 1 and 2 of the specification has been amended to eliminate reference to a specific claim and to improve the readability of the paragraph. The second paragraph on page 11 has been amended to more clearly define the shape of the welt-flap.

In the last Office Action Claims 1-4, 18, 19, 21, 22, 24, 25, 28-32, 34 and 35 were rejected. Claims 5-17 and 20 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended to correct the informality noted by the Examiner in the last Office Action. Claims 18 and 22 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claim 18 has been amended to set forth that the fastening element is rod-shaped instead of cylindrical. The rod-shaped fastening elements are described in the description of Figure 1. With respect to Claim 22 enabling support can be found in the last paragraph on page 5 of the description which states “the fastening element is a recess on welt-flap. The recess preferably passes through an angular range of 360° around the periphery of the welt-flap. Such a recess is also illustrated in Figure 5. In view of the amendments to Claim 18 and the explanation with respect to Claim 22 it is submitted that these claims are in full compliance with the requirements of 35 U.S.C. § 112, second paragraph.

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Claims 23 and 36 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description restriction. Claims 23 and 36 have been amended to comply with the written description requirement. With respect to Claim 23, the Examiner stated “there is no original disclosure directed to a welt having a welt-flap protruding from within the welt core and the welt-flap also having a recess in the interior of the welt flap (Claim 23)”. Figure 6 of the present application shows a welt flap having a recess in the anterior of the welt-flap. However, in Figure 6 the “core 1” the “decorative material 5”, the “internal connection 6” and the “welt-flap 2” are not illustrated individually but only schematically and monolithically and therefore Figure 6 does not *per se* show the welt-flap protruding from within the welt core. Yet from the overall disclosure of the present invention it is clear that the welt of the instant application has a core 1, a decorative material 5, an internal connection 6, a welt-flap 2 and requiring that the welt flap protrudes form within the welt core. No other embodiment other than a welt flap protruding from within the welt core is described or illustrated in the present application. Therefore, reconsideration and withdrawal of the rejection of Claim 23 is respectfully requested.

With respect to Claim 36 the Examiner stated “there is no original disclosure directed to rod-shaped fastening elements at opposing peripheral ends of the welt flap. The rod-shaped fastening elements are only disclosed as being at the end of the flap next to the welt-core. Claim 36 has been amended to delete the phrase “at opposing peripheral ends of the welt-flap” at the end of the claim. Therefore, Claim 36 is believed to be in full compliance with the written description requirement and is respectfully requested that the rejection of Claim 36 be withdrawn.

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In the last Office Action Claim 37 was rejected under 35 U.S.C. § 102(b) as being anticipated by Belanger (5,396,680). The Examiner stated that since a bottle-head can be any shape, the present claim reads on the reference welt that has a slot-shaped recess. Claim 37 has been amended to delete the word “bottle-head” and substitute therefore the word “bottle-shaped”. Support for this change can be found in Figure 6 which shows a bottle-shaped recess. Therefore, Claim 37 is clearly not anticipate by Belanger.

In the last Office Action Claims 1-4, 18, 19, 21, 22, 24, 25, 28-32, 34 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer (3,775,927) in view of German Patent 3,927,385.

The Examiner stated “[t]he primary reference discloses the invention substantially as claimed; see the welt in Figure 4 and the paragraph bridging columns 2 and 3. However, the primary reference is silent as to the materials of the welt or decorative molding. The secondary reference discloses the use of mesh fabric as a cover layer in a welt”. Claim 1 has been amended to add the phrase “wherein the welt flap is made of a more rigid material than the welt core”. Support for this amendment can be found in the last paragraph on page 6 (“the rigidity of the welt flap is greater than that of the welt core”) and in the paragraph bridging pages 11 and 12 (“the welt may have a high rigidity, particularly in the area of the welt flap and the fastening elements...A suitably chosen soft material for the welt core”).

Meyer discloses a “plastic one-piece fastener” (Abstract). The advantageous of the welt where the welt flap is made of a more rigid material than the welt core, as stated in the last paragraph of page 6, are that the welt core can be designed with oversize dimensions

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(accommodating greater component tolerances and can better nestle against the adjoining components) while the greater rigidity of the welt flap increases the intrinsic rigidity of the whole welt (resulting in better fixing of the welt). There is no disclosure or suggestion in Meyer or Moritz for the welt where the flat is made of a more rigid material than the welt core. Consequently, Claim 1 is not obvious over Meyer in combination with Moritz.

In view of the foregoing amendments and arguments it is submitted that Claims 1-25, 28-32 and 34-37 are now in full compliance with the requirements of 35 U.S.C. § 112 and are clearly patentably over the prior art. Therefore, it is respectfully requested that these claims be allowed and the application passed to issue forthwith.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Since the due date for responding fell on a Sunday, and the following Monday was a holiday, the filing of this response on Tuesday, December 27, 2005 is still considered timely filed.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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